

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6588**

**BILL NUMBER:** HB 1891

**NOTE PREPARED:** Dec 27, 2002

**BILL AMENDED:**

**SUBJECT:** Recall of Elected and Appointed Officials.

**FIRST AUTHOR:** Rep. Stevenson

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill establishes the procedure for the recall of a person who holds a state, legislative, local, or school board office (other than a justice, judge, or prosecuting attorney) or who is appointed to an office of the state or a political subdivision. The bill requires that a recall petition must be signed by at least 10% of the registered voters in the jurisdiction served by the official (or at least 10% of the total vote in the last election for Secretary of State if the official holds an elected state office). The bill removes an officeholder if: (1) at least 60% of the votes cast; or (2) a majority of the registered voters in the election district; vote for the recall. The bill specifies that a commissioner of a police and fire merit commission may be removed by the recall procedure existing under current law.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Summary:* Under the bill, the Election Commission would be required to prescribe a form for both a certified recall petition and an application. The Commission could require additional expenditure to cover the costs of producing the forms, which should be absorbable within the Election Division's budget.

Under the bill, if the Secretary of State denies certification of a recall petition, the officer is required to notify the petitioner by certified mail. U.S. Postal Service rates for certified mail are \$2.30 plus \$0.37 for first class postage or, if sent by priority mail, \$3.85 per envelope. A return receipt is \$3.00.

Additional Election Division staff time may be required to determine compliance of a recall petition for state office. As of November 2002, the Election Commission had 13 authorized staff positions. One position, a systems analyst, was vacant. The other 12 positions included 2 attorneys, 2 field auditors, 3 unclassified

executive positions, 2 program coordinators, a Governor's fellow, and 2 administrative personnel.

*Petition Requirements:* A successful petition for recall of a statewide office must be signed by the number of voters equaling at least 10% of the total votes cast for the most recent Secretary of State election. At least 1% of the minimum number of voters must be from each of five different counties, where not more than half of the 10% minimum total may be from any one county.

*Background:* In the 2002 general election for Secretary of State, 1,477,614 votes were cast. Ten percent of the vote would be 147,761 votes.

### **Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Summary:* Under the bill, a recall election would be mandated if a certified recall petition is signed by at least 10% of the registered voters in the election district served by an elected official or the political subdivision served by an appointed official. Under the bill, a certified recall petition would be scheduled for either the next primary, general, or municipal election, which would minimize any increase in costs due to the reprinting of election ballots, precinct election board expenses, and facility rental.

Under the bill, if the circuit court clerk denies certification of a recall petition, the officer is required to notify the petitioner by certified mail. See *Explanation of State Expenditures*.

*Background:* The statewide average of the number of registered voters per school corporation is approximately 13,600, per Indiana House district approximately 40,000, and per Indiana Senate district approximately 80,000.

[Note: A table illustrating by county the average number of registered voters per precinct and 10% of the average number of registered voters per precinct for the 2002 general election is available on request from the Office of Fiscal and Management Analysis.]

### **Explanation of Local Revenues:**

**State Agencies Affected:** Election Commission, Election Division.

**Local Agencies Affected:** Office of Circuit Court Clerk, County election boards.

**Information Sources:** Brad King, Dale Simmons, Lori Hershberger, Indiana Election Division, 232-3939; U.S. Postal Service, [www.usps.com/consumers/domestic.htm](http://www.usps.com/consumers/domestic.htm); *State of Indiana HRM Detail Staffing Report*, 11/04/02.

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